

**DURHAM, NORTH CAROLINA  
MONDAY, DECEMBER 2, 2002  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Excused Absent: Council Member Clement.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order and at that time the following action was taken by Council and immediately following was the pledge of allegiance.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to excuse Council Member Clement from the December 2, 2002 City Council Meeting was approved at 7:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

Stephany Troy, Habitat homeowner, presented Council with a simulated check representing property taxes paid for 2002 by Durham's Habitat homeowners.

The Mayor read a proclamation designating December 28, 2002 as *Durham Community Day*.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner requested 1) that an item be added to the agenda [Barnes Avenue RFP Update]; 2) requested a closed session to discuss a personnel matter pursuant to G.S. 143-318.11(a)(6); 3) noted the Davis Heirs property annexation will be heard at the December 16, 2002 City Council Meeting and asked that GBA #38 [Economic Incentives to Businesses] be removed from the agenda.

City Clerk Gray swore in Kathy Keefe Elliott as a member of the Workforce Development Board. [No priority items from the City Attorney].

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Items 17 [Workforce Investment Act Dislocated Worker Program], 18 [Workforce Investment Act Adult Program], 20 [First & Second Mortgage Residential Loan], 23 [DATA Transfer Facility], 25 [Acquisition for Fayetteville Road Widening, Phase II], 26 [Sale of City Owned Property], 32 [Police Department Quarterly Report], 35 [Long Range Transportation Plan] and 55 [Northern Durham Parkway] were pulled from the Consent Agenda.

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Relative to the staff report for Consent Agenda Item #9 [Nonconsensual Towing], Mayor Pro Tempore Cheek noted for clarification that the course of action would be to enact an ordinance as well as seek special enabling legislation.

Relative to Consent Item 12 (c) [Speed Limit Reduction], City Council Member Stith disclosed that he lives on Shalimar Drive.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**[CONSENT AGENDA]**

**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the City Council Minutes for the following meeting was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

November 4, 2002

**SUBJECT: LYON PARK ADVISORY BOARD - RECEIPT AND ACCEPTANCE OF APPLICATIONS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for citizens to fill four (4) vacancies on the newly established LYON PARK ADVISORY BOARD representing the following neighborhoods. The terms will expire June 30, 2003 was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

Burch Avenue:  
MAULTSBY, Victoria Joyce (BF)

Lyon Park:  
YOUNG, Kevin C. (BM)  
LANGLEY, Dewarren K. (BM)

Morehead Hills:  
REDOBLE, Angel P. (HM)

West End:  
SIMPSON, Patricia (BF)

**December 2, 2002**

**SUBJECT: LYON PARK ADVISORY BOARD**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint citizens to fill four vacancies for two members representing Calvary Ministries; one representing the Parks and Recreation Advisory Board, and one representing PAC III. All terms will expire June 30, 2004 was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

Calvary Ministries:  
MCKISSICK, JR., Floyd  
JACOBS, JR., Frank

Recreation Advisory Board:  
KILSHEIMER, Joseph

PAC III Co-Facilitator:  
WEBB, Mamye

**SUBJECT: STREET CLOSING - TROY STREET (SC02-7) – DURHAM PUBLIC SCHOOLS – SOUTH OF COOPER STREET, EAST OF BACON STREET, BETWEEN DURHAM TECHNICAL COMMUNITY COLLEGE PARKING LOT AND HARRIS ELEMENTARY SCHOOL**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to set a public hearing for December 16, 2002, to receive public comment, and to consider closing 1,295 linear feet of Troy Street was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: JORDAN LAKE ALLOCATION CONTRACT FOR THE CITY OF DURHAM - B. EVERETT JORDAN LAKE - STATE OF NORTH CAROLINA**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract with the State of North Carolina for water supply storage in B. Everett Jordan Lake, and to authorize the City Manager to modify the contract before execution provided the modifications are consistent with the general intent of the version of the contract approved by City Council was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**December 2, 2002**

**SUBJECT: PARTICIPATION IN JOINT LICENSING AGREEMENT FOR THE  
"WATER - USE IT WISELY" CAMPAIGN - WATER  
RESOURCES RESEARCH INSTITUTE - URBAN WATER  
CONSORTIUM**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to sign the contract with the Water Resources Research Institute on behalf of the Urban Water Consortium to participate in the "Water - Use it Wisely" campaign as an "enhanced project"; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: BID REPORT – SEPTEMBER 2002**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve and record in the minutes the following bids and items displayed in the that were acted upon by the City Manager during the month of September 2002 was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**CITY OF DURHAM NORTH CAROLINA**

January 8, 2003

MEMO TO: Marcia L. Conner, City Manager

THROUGH: Kenneth C. Pennoyer, Acting Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of September 2002.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

**1. Bid: Symantec Norton Antivirus**

Purpose of Bid: To purchase 390 Licenses of Symantec Norton Antivirus

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Comments: These licenses are for the Technology Solutions Department

Opened: N/A

Bidders: Software House International \*\$14,147.48  
Wake Forest, NC  
Softmart \$16,433.13  
Downingtown, PA

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	674		# Black Males	35	05%
Total # Females	316	47%	# White Males	284	42%
Total # Males	358	53%	# Other Males	39	06%
			# Black Females	22	03%
			# White Females	246	36%
			# Other Females	48	07%

LOCATION OF PERFORMING CONTRACT  
Wake Forest, NC

Total Workforce	1		# Black Males	0	0%
Total # Females	0	0%	# White Males	1	100%
Total # Males	1	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**2. Bid: Janitorial/Cleaning Services for Communications/Radio Shop**

Purpose of Bid: To provide janitorial/cleaning services for Communications/Radio Shop

Comments: The two low bids were a tie, the Deputy City Clerk administered the drawing to determine the low bid. Approximately 130 interested bidders received invitations to bid. Also, bids were advertised/mailed/solicited and picked-up. The Liveable Wage Provision is a part of this contract.

Opened: May 13, 2002

Bidders: Jani-King \*\$485.00/mo  
Raleigh, NC  
LPSC Cleaning \$485.00/mo  
Durham, NC  
Al's Cleaning \$500.00/mo

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Durham, NC	
Quick Clean	\$734.66/mo
Durham, NC	
JD's Cleaning	\$750.00/mo
Durham, NC	
L & D Janitorial	\$751.00/mo
Durham, NC	
Mother & Daughter	\$838.00/mo
Durham, NC	
Quality Janitor	\$875.00/mo
Durham, NC	
Cotton's Janitorial	\$1,022.00/mo
Durham, NC	
PHD Cleaning	\$1,278.89/mo
Bahama, NC	
Clean Team	\$1,288.52/mo
Durham, NC	
Singlemunn Services	\$1,700.00/mo
Garner, NC	
Batson's Cleaning	\$1,743.00/mo
Durham, NC	
Adequate Cleaning	\$1,980.00/mo
Durham, NC	
Tarheel Lawn & Bldg.	\$1,998.00/mo
Raleigh, NC	
White Glove Cleaning	\$3,574.04/mo
Asheboro, NC	

\*Awarded based on: \_\_\_\_\_ Low Bid    X Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	15		# Black Males	0	0%
Total # Females	7	47%	# White Males	7	47%
Total # Males	8	53%	# Other Males	1	07%
			# Black Females	1	07%
			# White Females	6	40%
			# Other Females	0	0%

Performance Bond:        \_\_\_\_\_ Waived        \_\_\_\_\_ Not Waived        X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**3.      Bid:                      Janitorial/Cleaning Services for Housing Inspections**

Purpose of Bid:                To provide janitorial/cleaning services for Housing Inspections

Comments:                    After considerable review, checking references and evaluating the City's cost to clean this facility it is in the best interest to award the contract to LPSC Cleaning a certified MBE. Approximately 130 interested bidders received invitations to bid. Also, bids were advertised/mailed/solicited

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and picked-up. The Liveable Wage Provision is a part of this contract.

Opened: May 13, 2002

Bidders:	LPSC Cleaning Durham, NC	*\$1,062.00/mo
	TD Cleaning Durham, NC	\$1,162.00/mo
	Cotton's Janitorial Durham, NC	\$1,165.00/mo
	Mother & Daughter Durham, NC	\$1,212.00/mo
	Tarheel Lawn & Bldg. Raleigh, NC	\$1,231.82/mo
	Quick Clean Durham, NC	\$1,261.00/mo
	Quality Janitor Durham, NC	\$1,329.16/mo
	Clean Team Durham, NC	\$1,339.20/mo
	Singlemunns Services Garner, NC	\$1,400.00/mo
	Jani-King Raleigh, NC	\$1,425.00/mo
	PHD Cleaning Bahama, NC	\$1,647.36/mo
	Adequate Cleaning Durham, NC	\$1,930.75/mo
	LTB Cleaning Durham, NC	\$2,000.00/mo
	Batson's Cleaning Durham, NC	\$3,304.00/mo
	L & D Janitorial Durham, NC	\$4,521.00/mo
	White Glove Cleaning Asheboro, NC	\$5,418.00/mo

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	6		# Black Males	2	33%
Total # Females	4	67%	# White Males	0	0%
Total # Males	2	33%	# Other Males	0	0%
			# Black Females	4	67%
			# White Females	0	0%
			# Other Females	0	0%

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Performance Bond:        \_\_\_\_\_ Waived                \_\_\_\_\_ Not Waived        X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**4.        Bid:                Janitorial/Cleaning Services for Environmental Resources**

Purpose of Bid:            To provide janitorial/cleaning services for Environmental Resources/Mist Lake Facility

Comments:                Al's Cleaning was considered non-responsive due to incorrect/incomplete reference information. JD's Cleaning did not list references. The bid prices for Al's and JD's Cleaning was lower than the base cost estimated and considered to be too low to make a profit. After considerable review, checking references and evaluating the City's cost to clean this facility, it is in the best interest to award the contract to Tarheel Lawn & Bldg., a certified MBE. Approximately 130 interested bidders received invitations to bid. Also, bids were advertised/mailed /solicited and picked-up. The Liveable Wage Provision is a part of this contract.

Opened:                  May 13, 2002

Bidders:	Al's Cleaning Durham, NC	(non-responsive)	\$635.00/mo
	JD's Cleaning Durham, NC	(non-responsive)	\$900.00/mo
	Tarheel Lawn & Bldg. Raleigh, NC		*\$1,392.92/mo
	Cotton's Janitorial Durham, NC		\$1,554.66/mo
	Mother & Daughter Cleaning Durham, NC		\$1,614.24/mo
	Jani-King Raleigh, NC		\$1,795.00/mo
	Staunton Sales Durham, NC		\$1,809.11/mo
	Quality Janitor Durham, NC		\$1,986.68/mo
	LPSC Cleaning Durham, NC		\$1,996.00/mo
	Singlemunns Services Garner, NC		\$2,200.00/mo
	Batson's Cleaning Durham, NC		\$2,333.00/mo
	PHD Cleaning Bahama, NC		\$2,620.20/mo
	L & D Janitorial Durham, NC		\$3,380.00/mo
	White Glove Cleaning Asheboro, NC		\$5,225.82/mo



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\*Awarded based on: \_\_\_\_\_ Low Bid    X Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	8		# Black Males	4	50%
Total # Females	3	38%	# White Males	0	0%
Total # Males	5	63%	# Other Males	1	13%
			# Black Females	3	38%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond:        \_\_\_\_\_ Waived        \_\_\_\_\_ Not Waived        X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**5.        Bid:                    Janitorial/Cleaning Services for PFM/Fleet Maintenance Facility**

Purpose of Bid:                To provide janitorial/cleaning services for PFM/Fleet Maintenance Facility

Comments:                    After considerable review, checking references and evaluating the City's cost to clean this facility, it is in the best interest to award the contract to Jani-King. Approximately 130 interested bidders received invitations to bid. Also, bids were advertised/mailed/solicited and picked-up. The Liveable Wage Provision is a part of this contract.

Opened:                      May 13, 2002

Bidders:	Jani-King	*\$575.00/mo
	Raleigh, NC	
	Tarheel Lawn & Bldg.	\$637.39/mo
	Raleigh, NC	
	Quick Clean	\$661.25/mo
	Durham, NC	
	Cotton's Janitorial	\$796.50/mo
	Durham, NC	
	JD's Cleaning	\$800.00/mo
	Durham, NC	
	Staunton Sales	\$891.00/mo
	Durham, NC	
	Singlemunns Services	\$900.00/mo
	Garner, NC	
	LPSC Cleaning	\$965.00/mo
	Durham, NC	
	Quality Janitor	\$1,225.00/mo
	Durham, NC	
	Mother & Daughter	\$1,244.90/mo
	Durham, NC	
	PHD Cleaning	\$1,545.72/mo
	Bahama, NC	
	Batson's Cleaning	\$1,743.00/mo

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Durham, NC  
L & D Janitorial  
Durham, NC  
\$2,043.00/mo

\*Awarded based on: \_\_\_\_\_ Low Bid    X Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	15		# Black Males	0	0%
Total # Females	7	47%	# White Males	7	47%
Total # Males	8	53%	# Other Males	1	07%
			# Black Females	1	07%
			# White Females	6	40%
			# Other Females	0	0%

Performance Bond:        \_\_\_\_\_ Waived        \_\_\_\_\_ Not Waived        X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**6.        Bid:                    Janitorial/Cleaning Services for the South Durham Water Reclamation Facility**

Purpose of Bid:                To provide janitorial/cleaning services and supplies for the South Durham Water Reclamation Facility Bathrooms and Locker rooms.

Comments:                    After considerable review, checking references and evaluating the City's cost to clean this facility, it is in the best interest to award the contract to Quality Janitor Service a MBE firm. Approximately 130 interested bidders received invitations to bid. Also, bids were advertised/mailed/solicited and picked-up. The Liveable Wage Provision is a part of this contract.

Opened:                        July 29, 2002

Bidders:	LPSC Cleaning                    (non-responsive)	\$225.00/mo
	Durham, NC	
	Singlemunns Services    (non-responsive)	\$425.00/mo
	Garner, NC	
	Quality Janitor	*\$710.90/mo
	Durham, NC	
	Cottons Janitorial	\$762.34/mo
	Durham, NC	
	K & P Household	\$800.00/mo
	Durham, NC	
	L & D Janitorial	\$870.00/mo
	Durham, NC	
	Staunton Sales	\$939.57/mo
	Durham, NC	
	Tarheel Lawn	\$975.00/mo
	Raleigh, NC	
	White Glove Cleaning	\$1,306.47/mo

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Asheboro, NC  
Adequate Commercial Cleaning  
Durham, NC

\$1,308.08/mo

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	81		# Black Males	49	60%
Total # Females	30	37%	# White Males	0	0%
Total # Males	51	63%	# Other Males	2	02%
			# Black Females	29	36%
			# White Females	0	0%
			# Other Females	1	1%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**7. Bid: Contract Extension -- Estimated Annual Requirements for Tires & Tubes – Section III**

Purpose of Bid: To establish a fixed price term contract for Transit Bus tires

Comments: TCI Tire Centers has agreed to extend the contract an additional twelve months at the same terms and conditions of the previous contract.

Opened: August 15, 2001

Bidders:	TCI Tire Centers	* \$ 99,484.00
	Raleigh, NC	
	Firestone Mileage Sales Division	\$108,285.75
	Akron, OH	
	Braxton Tire Company	\$170,527.85
	Hillsborough, NC	

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	25		# Black Males	2	8%
Total # Females	1	4%	# White Males	16	64%
Total # Males	24	96%	# Other Males	6	24%
			# Black Females	0	0%
			# White Females	1	4%
			# Other Females	0	0%

Performance Bond: ☒ Waived ☐ Not Waived ☐ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

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**8. Bid: Criminal Data Sharing Software**

Purpose of Bid: To purchase criminal data sharing software for the police department to share data with other law enforcement agencies.

Comments: This software is a sole source that is currently being used by other law enforcement agencies.

Opened: August 23, 2002

Bidders: Open Software Solutions, Inc. \*\$28,500.00  
Greensboro, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	77		# Black Males	2	2.6%
Total # Females	21	27.27%	# White Males	50	64.9%
Total # Males	56	72.72%	# Other Males	4	5.2%
			# Black Females	1	1.3%
			# White Females	20	25.9%
			# Other Females	0	0%

LOCATION OF PERFORMING CONTRACT  
Greensboro, NC

Total Workforce	64		# Black Males	2	3.1%
Total # Females	19	29.7%	# White Males	40	62.5%
Total # Males	45	70.3%	# Other Males	3	4.7%
			# Black Females	1	1.6%
			# White Females	18	28.1%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**9. Bid: One (1) Used Sport Utility Vehicle**

Purpose of Bid: To provide the Organized Crime Division with a Used Sport Utility Vehicle to be used in their covert operations.

Comments:

Opened: September 12, 2002

Bidders: Ellington Brim Chevrolet \* \$17,671.60  
Creedmoor, NC  
University Ford North \$18,400.00

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Durham, NC

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	23		# Black Males	4	17%
Total # Females	3	13%	# White Males	15	65%
Total # Males	20	87%	# Other Males	1	4%
			# Black Females	0	0%
			# White Females	3	13%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**10. Bid: Software Products and License for Employability and Work Maturity and Citizenship Skills Package**

Purpose of Bid: To provide the Office of Economic & Employment Development with this software.

Comments: This software is a sole source.

Opened: September 12, 2002

Bidders: Achievement Technologies  
Newton, MA \*\$13,500.00

\*Awarded based on: \_\_\_\_\_ Low Bid    X Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	75		# Black Males	0	0%
Total # Females	25	33.3%	# White Males	47	63%
Total # Males	50	66.6%	# Other Males	3	4%
			# Black Females	2	3%
			# White Females	23	30%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

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**SUBJECT: ENVIRONMENTAL AND CULTURAL EDUCATION FIELD TRIP PROGRAM - PIEDMONT BIOREGIONAL INSTITUTE - WEST POINT ON THE ENO PARK**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract for \$16,000 with the Piedmont Bioregional Institute to provide an environmental and cultural education field trip program at West Point on the Eno Park for K-5th grades during the 2002-03 school year. Authorize the City Manager to make minor changes to the contract such that the obligations of the contractor are not lessened and the obligations of the City are not increased was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: ORDINANCE TO REGULATE NONCONSENSUAL TOWING OF MOTOR VEHICLES FROM PRIVATE PROPERTY**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance amending Article V., Chapter 22 of the Durham City Code to authorize regulation of tow truck operators' nonconsensual towing rates was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**Ordinance #12699**

**SUBJECT: STOP SIGNS – CROASDAILE FARM, AUBURN SUBDIVISION, KRISTEN MARIE LANE, SEAFORTH DRIVE, KIPLING WAY**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to authorize the installation of stop signs at the following locations was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

- (a) Springhouse Place at Trail Wood Drive, northwest corner (Croasdaile Farm);
- (b) Gray Bluff Place at Trail Wood Drive, northwest corner (Croasdaile Farm);
- (c) Sagewood Place at Trail Wood Drive, west corner (Croasdaile Farm);
- (d) Tin Barn Place at Trail Wood Drive, west corner (Croasdaile Farm);
- (e) Whitney Lane at Pebble Creek Crossing, southeast corner (Auburn Subdivision)
- (f) Kristen Marie Lane at NC 54, northwest corner
- (g) Seaforth Drive (Private) at NC 54, northwest corner
- (h) Kipling Way (Private) at Kristen Marie Lane, southeast corner.

**Ordinance #12700**

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**SUBJECT: STOP SIGNS – EXCHANGE PLACE, AUBURN, HOPE CREEK, WELLINGHAM FOREST, THAXTON PLACE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

- a) Exchange Place at Meridian Parkway, south corner,
- b) Whitney Lane at Pebble Creek Crossing, southeast corner (Auburn),
- c) Forest Edge Trail at Branchwood Drive, south and north corners (Hope Creek),
- d) Shady Oak Trail at Branchwood Drive, south and north corners (Hope Creek),
- e) Scotney Circle at Herndon Road, northwest corner (Wellingham Forest),
- f) Wellingham Drive at Scotney Circle, northeast corner (Wellingham Forest),
- g) Basil Drive at Wellingham Drive, northwest corner (Wellingham Forest),
- h) Upton Court at Basil Drive, southwest corner (Wellingham Forest),
- i) Basil Drive at Hardwick Drive, southeast and northwest corners (Wellingham Forest),
- j) Oxboro Circle at Hardwick Drive, south and north corners (Wellingham Forest),
- k) Brynwood Avenue at Carlton Crossing Drive, northwest corner (Thaxton Place),
- l) Canary Court at Brynwood Avenue, northeast corner (Thaxton Place),
- m) Cranbrook Court at Brynwood Avenue, northeast corner (Thaxton Place),
- n) Brynwood Avenue at Cherry Blossom Circle, southeast corner (Thaxton Place),
- o) Stepping Stone Drive at Cherry Blossom Circle, north intersection, southeast corner (Thaxton Place),
- p) Stepping Stone Drive at Cherry Blossom Circle, south intersection, northwest corner (Thaxton Place),
- q) Cherry Blossom Circle at Brenmar Lane, south intersection, northeast corner (Thaxton Place),
- r) Cherry Blossom Circle at Brenmar Lane, north intersection, northeast corner (Thaxton Place),
- s) Thaxton Place at South Roxboro Street, southwest corner (Thaxton Place),
- t) Thaxton Place at Cherry Blossom Circle, northeast corner (Thaxton Place),
- u) Chicory Court at Ramblewood Avenue, northeast corner (Thaxton Place),
- v) Ramblewood Avenue at Brenmar Lane, southeast corner (Thaxton Place),
- w) Brenmar Lane at Carlton Crossing Drive, northwest corner (Thaxton Place), and
- x) Ramblewood Avenue at Cherry Blossom Circle, northwest corner (Thaxton Place).

**Ordinance #12701**

**SUBJECT: SPEED LIMIT REDUCTION – 25 MPH - STINHURST DRIVE, LAKEHURST COURT, SHALIMAR DRIVE, HAYCOX COURT, MONTEITH COURT, RHYGATE COURT, AVONLEA COURT, LANDRETH COURT, AINSLEY COURT, CORNELL STREET, CHENAULT PLACE, COLLIER ROAD**

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**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

- a) Stinhurst Drive from Herndon Road to Wineberry Drive;
- b) Lakehurst Court from Stinhurst Drive to end of city maintenance;
- c) Shalimar Drive from Grandale Road to Stinhurst Drive;
- d) Haycox Court from Stinhurst Drive to end of city maintenance;
- e) Monteith Court from Stinhurst Drive to end of city maintenance;
- f) Rhygate Court from Stinhurst Drive to end of city maintenance;
- g) Avonlea Court from Stinhurst Drive to end of city maintenance;
- h) Landreth Court from Shalimar Drive to end of city maintenance;
- i) Ainsley Court from Herndon Road to end of city maintenance;
- j) Cornell Street from Morehead Avenue to Lakewood Avenue;
- k) Chenault Place from Alston Avenue to Chicago Street; and
- l) Collier Road from Alston Avenue to Collier Road (loop road)

**SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING  
SIDEWALK IMPROVEMENTS - WOODCROFT PARKWAY**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution setting a public hearing on December 16, 2002, to consider ordering the following improvement was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

Sidewalk on Woodcroft Parkway (W/S) from Fayetteville Road South to Existing Sidewalk.

**SUBJECT: STREET ACCEPTANCE - MAGNOLIA PLACE, PHASE 1**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to accept certain streets in Magnolia Place, Phase 1, as listed, for maintenance by the City of Durham was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**Magnolia Place – Phase I**

- 1) Cherry Blossom Drive – from the centerline of Appling Way north to the centerline of Belleflower Drive (538’); and



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- 2) Belleflower Drive – from the centerline of Magnolia Oak Place east to the end of pavement @ STA 0+11.50 (499’); and
- 3) Blossomwood Drive – from the centerline of Carnation Drive southeast to the centerline of Magnolia Oak Place (265’); and
- 4) Appling Way – from the end of existing pavement at STA 5+44.55 north then east to the end of construction @ STA 0+00 (545’); and
- 5) Magnolia Oak Place – from the centerline of Blossomwood Lane north thru the cul-de-sac (500’); and
- 6) Magnolia Oak Place – from the centerline of Blossomwood Lane south thru the cul-de-sac (447’); and
- 7) Carnation Drive – from the west curb line of Page Road west to STA 9+50 (950’).

**SUBJECT: STATE OF NORTH CAROLINA DEVELOPMENT ZONE RE-DESIGNATION APPLICATION – NORTH CAROLINA DEPARTMENT OF COMMERCE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to submit an application requesting a part of Durham to be considered a designated Development Zone by the NC Secretary of Commerce for the purpose of qualifying for State economic incentives in economic distressed areas was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: SUBORDINATION AGREEMENTS FOR THE CITY OF DURHAM'S RESIDENTIAL MORTGAGE LOANS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute subordination agreements for residential mortgage loans and to make minor changes to the agreements as are consistent with this City Council approval was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: WAL-MART “NEIGHBORHOOD HEROES” GRANT FOR THE DURHAM POLICE DEPARTMENT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the grant project ordinance authorizing the Durham Police Department to expend grant funding in the amount of \$1,200 for training was approved at 7:17 p.m. by the following

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vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**Ordinance #12702**

**SUBJECT: DATA OPERATIONS CENTER - REQUEST FOR CHANGE ORDER UNDER THE CONTINGENT ADDITIONAL SERVICES ARTICLE 3.3.1 SUB.2 WITH RWC, INC. ASSOCIATED ARCHITECTS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a change order with RWC, Inc. Architects for the sum of \$37,200 and to increase the contract for professional services provided that the new contract sum does not exceed \$739,200 was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: DONATION OF A PARCEL CONTAINING APPROXIMATELY 7.43 ACRES FROM MR. MICHAEL WHITEHEAD AS AN ADDITION TO THE GREENWAY SYSTEM – NORTHEAST CREEK TRAIL**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept a property donation known as Tax Map Number 541A-01-002A, PIN 072-02-98-8425, from Mr. Michael Whitehead as an addition to the greenway system was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: FIRST QUARTERLY FINANCIAL REPORT AND MAJOR INITIATIVES**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a presentation of the First Quarterly Financial Report for FY 2002-2003 and Major Initiatives was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: DURHAM HOUSING AUTHORITY UPDATE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report from the Durham Housing Authority was approved at 7:17 p.m. by the following

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vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: BARNES AVENUE UPDATE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive an update on Barnes Avenue from the Housing Department was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: POLICE BENEVOLENCE ASSOCIATION (PBA) DUE PROCESS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a status report on the PBA due process was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: ENFORCEMENT PROCESS OF THE CART ENFORCEMENT CODE**

The item regarding the Enforcement Process of the Cart Enforcement Code has been moved to the 12-05-02 Work Session agenda.

**SUBJECT: PRESENTATION ON THE PHASE I REGIONAL RAIL MITIGATION ISSUES AND STRATEGIES - TRIANGLE TRANSIT AUTHORITY (TTA)**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report from the Triangle Transit Authority (TTA) regarding their response to the City of Durham's Draft Environmental Impact Statement comments and the strategies that the TTA and the Transportation Department have developed for mitigating the impacts resulting from the Phase I Regional Rail System; and

To authorize the City Manager to send a letter to TTA outlining the strategies that TTA and the City of Durham will use to develop a Mitigation Plan for the Regional Rail System. The letter shall be consistent with the presentation made by TTA at the November 21, 2002 City Council Work Session including prior input from the City staff used in developing the presentation was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

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**SUBJECT: CITIZEN'S MATTER - CAROLINA RIVERA**

This was a citizen's matter. Comments were heard from Carolina Rivera at the 11-21-02 Work Session.

**SUBJECT: CITIZEN'S MATTER - NORTHERN DURHAM  
NEIGHBORHOOD COALITION**

This was a citizen's matter. Comments were heard from the Northern Durham Neighborhood Coalition at the 11-21-02 Work Session.

**SUBJECT: CONTRACT PROCEDURES AUDIT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report from the Audit Sub-Committee regarding an audit of the City of Durham's contract procedures was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: WORKFORCE INVESTMENT ACT (WIA) DISLOCATED  
WORKER PROGRAM - EMPLOYMENT SECURITY  
COMMISSION (ESC) AND THE CITY OF DURHAM**

Council raised questions that were answered by staff relative to structure in place for monitoring contracts and low employment placement.

Mayor Pro Tempore Cheek requested the administration to provide Council with quarterly reports.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the contract for the WIA Dislocated Worker Program between the Employment Security Commission (ESC) and the City of Durham in the amount of \$350,000 from July 1, 2002 through June 30, 2003 was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: WORKFORCE INVESTMENT ACT (WIA) ADULT PROGRAM -  
EMPLOYMENT SECURITY COMMISSION (ESC) AND THE  
CITY OF DURHAM**

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Mayor Pro Tempore Cheek requested the administration to provide Council with quarterly reports.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the contract for the WIA Adult Program between the Employment Security Commission (ESC) and the City of Durham in the amount of \$200,000 from July 1, 2002 through June 30, 2003 was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: INTEREST RATE FOR CITY OF DURHAM FIRST AND SECOND MORTGAGE RESIDENTIAL LOAN PROGRAMS**

Council held discussion on who would be administering, servicing loans and process for handling delinquent loans.

Charlene Montford, Director of Housing & Community Development, noted CCB is servicing all loans and the City has a six-month extension with them. Also, she indicated that CCB provides a list of current and delinquent loans.

**MOTION** by Mayor Bell seconded by Council Member Stith to approve the assessment of a two-percent interest rate for the City of Durham's first and second mortgage residential loans; and

To authorize the City Manager to make first and second mortgages to borrowers at or below 80% of the area median income for Raleigh/Durham/Chapel Hill area; and

To authorize the City Manager to make minor revisions and modifications to the City of Durham Homebuyer's Programs as are consistent with this City Council approval was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: DATA TRANSFER FACILITY**

Mayor Pro Tempore Cheek raised a concern with janitorial contract cost (\$38,800).

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to adopt "an Ordinance Amending the 2002-03 City of Durham Budget Ordinance, the Same Being Ordinance 12575", by an amount of \$32,600, to permit the construction of a public restroom in the DATA downtown transfer station and provide for maintenance services of this facility was approved at 7:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**Ordinance #12703**

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**SUBJECT: ACQUISITION FOR FAYETTEVILLE ROAD WIDENING,  
PHASE II - 5324 FAYETTEVILLE ROAD - R. D.  
CONSTRUCTION, INC.**

Mayor Pro Tempore Cheek expressed a concern that a building permit was issued which involved land to be taken in connection with the Fayetteville Road widening project and urged staff to come up with a system to flag this type of situation.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Edwards to approve the acquisition of the right of way, construction easement and reimbursement for deconstruction and rebuilding the partially built single-family residence located at 5324 Fayetteville Road, Tax Map 518-01-004A, PIN 0729-03-32-1742, property of R. D. Construction, Inc. for \$39,600 was approved at 7:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: SALE OF CITY OWNED PROPERTY AT BROADWAY, HUNT  
AND MANGUM STREETS**

To reject Mr. Robert G. Simyon's offer of \$141,000 for the Broadway, Hunt and Mangum Streets property, a/k/a City Tracts 1894, 1901, 1902, 1903, 1904, 1905, 1924 and 1925;

To declare the property as surplus; and

To authorize the property be advertised for sale after the approval of the Downtown Design District Overlay.

Mark Greenspan, Director of Property & Facilities Management, noted staff's recommendation is to reject this item at this time until Council adopts the Downtown Design District Overlay (DDDO). He noted staff's concern was selling the property based on a future regulatory restrictions which would limit the bidder's ability to develop the property at some future date.

Bill Harris, representing Robert Simyon, raised a concern with this item noting it is unfair for the City to abandon its procedure since the City offered the property for sale as surplus property.

Ron Horvath, representing the bidder, noted the project does comply with the Downtown Design District Overlay in its latest form.

Council held discussion on conditions of sale and DDDO.

Dick Hails, of the City/County Planning Department, reported the Downtown Design District Overlay has been established but the map amendments have not been approved

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which is scheduled to go to the Zoning Committee this month or next month and then to Council for adoption.

Council held discussion on why property was advertised.

Council Member Best spoke in support of this item.

A motion was made by Mayor Pro Tempore Cheek to approve the item as printed on the agenda.

Because Mr. Simyon's bid had been made public knowledge, Attorney Bill Harris, requested Council to allow Mr. Simyon to remain the high bidder.

Note: Further discussion was held on this item later in the meeting.

**SUBJECT: POLICE DEPARTMENTS QUARTERLY REPORT TO CITY COUNCIL THIRD QUARTER 02**

Victoria Peterson, of P. O. Box 101, raised a concern that the quarterly report did not include the race breakdown as she previously requested. Also, she asked Council to establish a Community Forum and staff to include the educational breakdown as well as race in future quarterly reports.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive the Third Quarterly Report from the Police Department was approved at 7:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: LONG-RANGE TRANSPORTATION PLAN FOR DURHAM - CHAPEL HILL - CARRBORO METROPOLITAN PLANNING ORGANIZATION (MPO)**

Mark Ahrendsen, Transportation Manager, made comments on this item and provided Council with a revised resolution pursuant to November 19, 2002 meeting.

Caleb Southern spoke in support of the compromise [priority list] reached at the November 19, 2002 meeting held by the Mayor.

Anne Peele, of Greater Durham Chamber of Commerce, urged Council to keep the needs of northern Durham area beyond Horton Road in mind when making a decision regarding this project.

Mayor Bell made comments regarding the November 19 meeting he held on this project.

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**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a presentation from staff regarding the Draft Recommended Financially Constrained 2025 Long-Range Transportation Plan for the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization (MPO); and

To adopt a “Resolution as revised Endorsing the Draft Recommended Financially Constrained 2025 Long-Range Transportation Plan for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization” was approved at 8:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**Resolution #8942**

**SUBJECT: NORTHERN DURHAM PARKWAY**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive an update on the Northern Durham Parkway was approved at 8:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: MAJOR SITE PLAN - VILLAGE AT LAKE ELTON (D02-381)**

To approve a site plan for 205 total dwelling units, comprised of a 105 lot single family detached cluster subdivision and 100 town homes, on a ±67.9 acre site.

Mayor Bell read a letter from Dan Jewell dated November 27, 2002 requesting a deferral to work on issues raised by the Orindo Drive residents.

Dick Hails, of the City/County Planning Department, briefed Council on the staff report.

Dan Jewell, representing the applicant, requested a deferral to January 2003 to receive reports to demonstrate to neighbors and Council that the impact on surrounding neighborhoods would not be negative.

Robert Long, of Pearson Town Neighborhood Association, spoke in opposition to the site plan due to connectivity of Odyssey to Orindo Drive.

Walter Blackwell, of 311 Ebon Road, expressed safety concerns and spoke in support of Council upgrading Belgreen Road.

Nathaniel Daniels, of 703 Belgreen Road, requested that Belgreen Road be paved and water & sewer provided.



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Australia Clay, of 4900 Robinwood Road, expressed concern noting that Belgreen Road needs to be upgraded stating it is unsafe, trees are not kept up and there are no lights.

Betty Faucette, of 510 Orindo Drive, spoke in opposition to this item due to connectivity, and traffic. She urged Council to vote against connecting Orindo Drive to Odyssey Drive.

Rev. Percy Chase, of Community Baptist Church, noted it is difficult to develop his ministry if Belgreen Road is blocked, closed or becomes one way.

Jim Acker spoke in support of deferring this item to January 2003 noting he has a number of concerns that he would like to address at that time.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to defer this item to the January 2003 City Council Meeting was approved at 8:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

At this time during the meeting, further discussion was held on Consent Agenda Item #26 [Sale of City owned property at Broadway, Hunt and Mangum Streets].

**SUBJECT: SALE OF CITY OWNED PROPERTY AT BROADWAY, HUNT AND MANGUM STREETS**

City Attorney Blinder noted bid laws do not prohibit continuing this matter for a period of several months if the bidder is willing to consent to deferral until after Council takes action on the DDDO and if the bidder is willing to consent to leave the bid open until after that time, Council could defer decision on the matter.

For clarification, Mayor Pro Tempore Cheek asked the City Attorney if the bid would remain open.

City Attorney Blinder replied yes.

Mayor Pro Tempore Cheek withdrew his motion.

City Attorney Blinder asked the bidder if they would consent to a deferral.

Ron Horvath, representing the bidder, noted yes.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to defer action on this item until the adoption of the Downtown Design District Overlay was approved at 8:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

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**[GENERAL BUSINESS AGENDA]**

**SUBJECT: SALES AND SOLICITATION ORDINANCE**

City Manager Conner noted Council might want to hold this item since Council Member Clement is not present tonight.

Kenneth Pennoyer, Acting Finance Director, made comments on this item regarding the options.

The following individuals spoke in support of street sales for the Herald-Sun newspaper noting it's their livelihood: Susan Pervis, Pete Jones, Ed Rose, Karen Curtis, James Billings, Tony Tilley and James Jones.

The following individuals spoke in support of street sales for DPFFA Local 660 – Fill the Boot Campaign noting it will help with the effort for Jerry's Kids: Joe Gilchrist and Mark Hannigan.

Mayor Bell spoke in support of holding this item until Council Member Clement can be heard.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to refer this item until the December 5, 2002 City Council Work Session was approved at 8:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: OFFERING ECONOMIC INCENTIVES TO BUSINESSES**

To adopt the amended economic development incentive policy.

Earlier in the meeting, City Manager Conner requested that this item be removed from the agenda.

**SUBJECT: MAJOR SITE PLAN - R.N. HARRIS ELEMENTARY SCHOOL (D02-368)**

Dennis Doty, of the City/County Planning Department, briefed Council on the staff report.

**MOTION** by Council Member Stith seconded by Council Member Edwards to approve a Major Site Plan for a 27,500 square foot addition to an existing public school on a 20.165 acre site located at the corner of Bacon and Cooper Streets was approved at 8:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members

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Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: PSNC ROOF REPLACEMENT CONTRACT - PEACH ROOFING COMPANY, INC.**

To adopt "An Ordinance Amending General Capital Improvement Project Ordinance, As Amended, The Same Being Ordinance #12587"; and

To authorize the City Manager to enter into a contract with Peach Roofing Company, Inc. in the amount of \$ \$49,400 with \$3,000 contingency, the total not to exceed \$52,400 to replace the roof of the old PSNC building; and

To authorize the City Manager to modify the contract prior to execution as long as those modifications do not increase the dollar amount or the intent of the contract attached to this item.

Council Member Stith asked the administration if they knew the roof needed to be repaired before the City purchased the building.

City Manager Conner noted the administration will report back at the work session with the building assessment.

Council Member Cole-McFadden expressed concern with the variance between bid amounts.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to refer this item to the December 5, 2002 City Council Work Session was approved at 9:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: MARSHALL GROUP CONTRACT**

To authorize the City Manager to execute a contract with The Marshall Group for project management services to assist with the development of Barnes Avenue in an amount of \$24,375.

Council Member Cole-McFadden noted she could not support this item until staff provides information on what all the entities [The Marshall Group, Neighboring Concepts, etc.] for Barnes Avenues have been commissioned to do.

Mayor Bell suggested this item be referred to the Special City Council Meeting on December 9 and asked the administration to provide information on what has been done and by whom relative to Barnes Avenue.

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Victoria Peterson, of P. O. Box 101, noted the Marshall Group should not be paid for doing work without a contract. Also, she requested to review 1,400 contracts.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to refer this item to the December 9, 2002 Special City Council Meeting was approved at 9:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]**

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JULY 1, 2002 - BENNINGTON SUBDIVISION; NC 55 / SEDWICK PROPERTY; LEXINGTON PARK; EAGLE'S POINTE – PHASE III – REDWOOD, BETHESDA AND PARKWOOD VOLUNTEER FIRE DEPARTMENTS**

To receive citizen comments on public hearings for Bennington Subdivision; NC 55 / Sedwick Property; Lexington Park; Eagle's Pointe – Phase III.

To adopt ordinances annexing Bennington Subdivision; NC 55 / Sedwick Property; Lexington Park; Eagle's Pointe – Phase III in accordance with N.C. General Statutes 160A-58 and 160A-31 effective December 31, 2002.

To authorize the City Manager to pay the debt service of the Redwood Volunteer Fire Department (VFD) in connection with the Bennington Subdivision annexation area.

To authorize the City Manager to modify an existing half-base contract with the Bethesda and Parkwood VFDs to provide supplemental fire protection over a five-year period for the Bennington Subdivision; NC 55 / Sedwick Property; Lexington Park; Eagle's Pointe – Phase III annexation areas under the same terms and conditions as services are provided to other areas in such contracts.

Vincent Taylor, of the Budget Office, briefed Council on the staff report. He requested the Davis Heirs property annexation be deferred to the December 16, 2002 City Council Meeting without further advertising.

Mayor Bell declared the public hearing opened.

Grant Leonard, of 303 Intern Way, provided Council with handouts. He spoke in opposition to the Lexington Park annexation citing school overcrowding, safety issues and urged Council to vote against this annexation.

Ron Horvath, representing the developer, spoke in support of the Lexington Park annexation making comments about the water and sewer needs in the area.

Mayor Bell declared the public hearing closed.

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A motion was made by Council Member Stith seconded by Council Member Edwards to approve the item as printed on the agenda.

Mayor Bell spoke in opposition to NC/55 Sedwick annexation due to a negative cash flow.

Council Member Stith suggested that Council review its current annexation policy as it relates to zonings.

Council Member Cole-McFadden noted she received an e-mail from David Johnson, of Chandler Homeowners Association, in opposition to annexation.

Mayor Pro Tempore Cheek noted Council may need to review the issue of urban growth boundary.

Mayor Bell asked staff if there is a public works agreement between the developer for water and sewer.

Assistant City Manager Ted Voorhees noted staff will provide information.

**SUBSTITUTE MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to defer this item to the December 16, 2002 City Council Meeting [along with Davis Heirs Annexation] was approved at 9:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: PILOT CODE PROGRAM FOR REHABILITATING EXISTING BUILDINGS**

Gene Bradham, City/County Inspections Director, made comments on this item.

Mayor Bell opened the public hearing.

Bill Kalkhof, of Downtown Durham, Inc., spoke in support of this item.

Mayor Bell declared the public hearing closed.

**MOTION** by Council Member Stith seconded by Council Member Edwards to receive public comment regarding the proposed pilot code program for rehabilitating existing buildings, and

To adopt "an ordinance adding sec. 6-24 of the Durham City Code and adopting the North Carolina pilot rehabilitation code within the City of Durham", as authorized by session law 2001-372 was approved at 9:54 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

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**Ordinance #12704**

**SUBJECT: HISTORIC LANDMARK DESIGNATION – 310 E. MAIN STREET -  
PUBLIC SERVICE BUILDING**

Steve Cruse, of the City/County Planning Department, gave a brief overview of this item.

Mayor Pro Tempore Cheek opened the public hearing.

Daniel Mahea, of 310 E. Main Street, made comments on this item.

Bill Kalkhof, of Downtown Durham Inc., spoke in support of this item.

The public hearing was declared closed by the Mayor Pro Tem.

**MOTION** by Council Member Stith seconded by Council Member Edwards to hold a public hearing and receive public comment on proposed designation of the former Public Service Building, located at 310 E. Main Street, as a Durham Historic Landmark; and

To adopt an ordinance providing for the designation of the former Public Service Building as a City of Durham Historic Landmark was approved at 9:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**Ordinance #12705**

**SUBJECT: ZONING TEXT AMENDMENT - MODIFICATIONS TO HOME  
OCCUPATION STANDARDS**

Planning Department Recommends approval  
Zoning Committee Recommends approval (7-0)

Dick Hails, of the City/County Planning Department, briefed Council on the text amendment.

Mayor Bell declared the public hearing opened.

Attorney Jack Markham spoke in support of this item.

No one spoke in opposition to text amendment.

The mayor declared the public hearing closed.

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**MOTION** by Council Member Stith seconded by Council Member Edwards to receive public comment on Zoning Text Amendment TC 134-02 (Modifications to Home Occupation Standards); and

To adopt ordinance to amend the Durham Zoning Ordinance to Allow New Standards for Certain Home Occupations was approved at 10:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**Ordinance #12706**

**SUBJECT: PLAN AMENDMENT - POD X - HOPE VALLEY FARMS (A02-10) – DAWN HERIC, JOHN R. MCADAMS CO. FOR CASWYCK – HVF, LLC – EAST SIDE OF S. ROXBORO STREET APPROXIMATELY 400 FEET SOUTH OF MLK, JR. PARKWAY**

Planning Department Recommendation: Approval

Planning Commission Recommendation: Approval (10-1)

Steve Cruse, of the City/County Planning Department, briefed Council on the plan amendment.

Mayor Bell opened the public hearing.

Attorney Jack Markham, representing the applicant, spoke in support of plan amendment urging Council to support this item.

No one spoke in opposition to this item.

The mayor declared the public hearing closed.

**MOTION** by Council Member Stith seconded by Mayor Pro Tempore Cheek to hold a public hearing and receive public comment on amending the South Durham Future Land Use Plan; and

To adopt a resolution amending the South Durham Future Land Use Plan was approved at 10:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**Resolution #8943**

**SUBJECT: PLAN AMENDMENT - THE SIRENS LOUNGE (A02-11) – LINDSAY L. LOCKE – SOUTHWEST INTERSECTION OF BROAD STREET AND WEST MARKHAM AVENUE**

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Planning Department Recommendation: Approval

Planning Commission Recommendation: Approval (11-0)

Steve Cruse, of the City/County Planning Department, briefed Council on the plan amendment noting there is a revised resolution. He noted staff is in approval of map and text amendment; however, he received a revision of text from the neighborhood.

Mayor Bell opened the public hearing.

Tom Miller, representing the Old West Durham Neighborhood Association, spoke in support of this item making comments about the text amendment. He urged Council to include the following text amendment as proposed in handout provided to Council along with second resolution adopted by Planning Commission.

“Support Neighborhood Commercial or General Commercial zoning for the lot located in the southwest corner of the intersection of West Markham Avenue and Broad Street if the zoning is accompanied by a development plan which 1) restricts the uses available in the NC and GC districts to low intensity and low traffic uses such as light retail, personal services, small restaurants, cafes, or clubs; and 2) includes measures sufficient to preserve the existing historic structure on the property in its elevations, size, materials and appointments and measures to require new structures built on the site to conform to the same standards.”

Council held discussion on type of lounge.

Attorney Kenneth Spaulding, representing the applicant, spoke in support of plan amendment noting the proposal is consistent with plan, amendment will not negatively impact the area and staff's recommendation is for approval. He urged Council to approve this item.

Lindsay Locke, applicant, spoke in support of amendment making comments regarding the proposed plan.

The mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to hold a public hearing and receive public comment on amending the Northwest Central Durham Future Land Use Plan; and

To adopt a resolution amending the Northwest Central Durham Future Land Use Plan [to include language requested by Tom Miller] was approved at 10:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**Resolution #8944**



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**MOTION** by Council Member Best seconded by Mayor Pro Tempore Cheek to extend the meeting beyond 10:00 p.m. was approved at 10:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: PLAN AMENDMENT – DURHAM ASSISTED LIVING (A02-12) –  
JEFF POTTER, DUKE UNIVERSITY – NORTHWEST  
INTERSECTION OF GATTIS AND WILKERSON STREETS**

Planning Department Recommendation: Approval

Planning Commission Recommendation: Approval (11-0)

Steve Cruse, of the City/County Planning Department, briefed Council on the staff report.

Mayor Bell declared the public hearing opened.

Barry Yeoman spoke in favor of project urging Council to support plan amendment.

The mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to hold a public hearing and receive public comment on amending the Southwest Central Durham Future Land Use Plan; and

To adopt a resolution amending the Southwest Central Durham Future Land Use Plan was approved at 10:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**Resolution #8945**

**SUBJECT: MAJOR SPECIAL USE PERMIT - LAKEWOOD ELEMENTARY  
SCHOOL (M02-05)**

To approve a Major Use Permit for an expansion to an existing public school to allow a 100 student increase in student enrollment.

City Clerk Gray swore in the following individuals: Dennis Doty, Dick Hails and Hugh Osteem.

Mayor Bell explained the proceedings for a major special use permit hearing.

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The Mayor asked Council to reveal any possible conflicts and to withdraw from this hearing if necessary. Also, Mayor Bell asked if any Council Member had been exposed to any evidence or information that may not come out at the hearing tonight.

The Mayor asked the attorney for the applicant and for opponents to identify themselves.

Mayor Bell opened the public hearing.

### **Testimony from Staff**

Dennis Doty, of the City/County Planning Department, briefed Council on the staff report noting the Durham Board of Education is proposing an expansion to an existing public school to allow a 100-student increase in enrollment at Lakewood Elementary School. Also, he noted the project includes a 25,600 square feet building addition to the existing school with permanent classroom space and a new multi-purpose field. Also, he noted as part of the expansion, all existing classroom trailers are to be removed at the end of construction. Also, he requested the staff report, and all attachments and exhibits be entered as evidence. He provided Council with an order granting this use permit with condition.

The Mayor asked if there were questions for staff. There were no questions.

### **Testimony from Applicant**

Hugh Osteem, of Durham Public Schools, spoke in support of major special use permit. He noted Lakewood Elementary has been an active part of the neighborhood for 40 years, funding was approved during the 2001 bond referendum, and additions and renovations will enhance many features in improving site and street safety as well as appearance.

The Mayor asked if there were questions for the applicant. There were no questions.

### **Staff's Recommendation**

Dennis Doty, of City/County Planning Department, noted staff is recommending approval of the major use permit with the condition the project shall be completed in accordance with the approved site plan.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an order granting, upon Certain Conditions, a Major Special Use Permit for Durham Public Schools [an expansion to an existing public school to allow a 100 student increase in student enrollment] was approved at 10:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

### **Ordinance #12707**

Mayor Bell declared the public hearing closed.

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**SUBJECT: MAJOR SITE PLAN - LAKEWOOD ELEMENTARY SCHOOL  
(D02-461)**

*This is not a Public Hearing. This is a general business agenda item that must follow the above public hearing.*

Dennis Doty, of the City/County Planning Department, briefed Council on the staff report.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for a 25,600 square foot classroom addition to an existing 36,000 square foot public elementary school with 40 new parking spaces on a ±12.46 acre site was approved at 10:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

For clarification regarding GBA Item #42 [Plan Amendment – The Sirens Lounge --A02-11] Dick Hails, of the City/County Planning Department, asked Council if the action taken on this item earlier in the meeting was to include the language provided by Tom Miller.

Mayor Bell noted yes.

**SUBJECT: REZONING MATTER CASE P02-34 - SWANN'S MILL B – THE  
JOHN R. MCADAMS COMPANY, INC. – NORTH SIDE OF  
HEBRON ROAD; WEST OF OLD OXFORD ROAD**

To receive public comment on rezoning Case P02-34 (Swann's Mill B).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-34 out of R-20; F/J-B and placing same in and establishing same as R-20(D) and PDR-4.35

Zoning Recommendation and Vote: Denial (2-5)

Planning Department Recommendation: Approval

Dick Hails, of the City/County Planning Department, briefed Council on the staff report commenting on the proposed use. He noted a portion of the site will remain as floodplain undeveloped, the Zoning Committee recommended denial based on school overcrowding, mass grading and traffic impacts on surrounding road and staff recommended approval noting proposal is consistent with adopted plan.

Mayor Bell opened the public hearing.

Proponent

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Attorney Kenneth Spaulding, representing the applicant, spoke in support of rezoning request commenting on the type of development, open space, tree vegetation, the build out (7 to 8 years) and school capacity. He noted the applicant has met with residents, sent out a letter explaining the plan and has not had any opposition to this proposal. Also, he urged Council to support this request.

No one spoke in opposition to this rezoning request.

The mayor declared the public hearing closed.

Council Member Cole-McFadden asked the applicant how do they plan to deal with the issues of mass grading, traffic and school impacts.

Britt Spivey, the applicant, made comments about the vegetation that has been left and timber that will be grouped into open space.

Relative to traffic impacts, Attorney Spaulding noted that NCDOT does not have any problem but wanted to make sure there are two entrances/exits from the development to Hebron Drive. Also, he noted the schools would be under capacity with the development.

**MOTION** by Council Member Stith seconded by Mayor Pro Tempore Cheek to receive public comment on rezoning Case P02-34 (Swann's Mill B); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-34 out of R-20; F/J-B and placing same in and establishing same as R-20(D) and PDR-4.35 was approved at 10:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden and Stith. Noes: Council Member Edwards. Excused Absence: Council Member Clement.

**SUBJECT: INITIAL ZONING - ALEXANDER VILLAGE AT BRIER CREEK (P02-45) – 22.14 ACRES NORTH OF T. W. ALEXANDER ROAD, EAST OF PAGE ROAD, ADJACENT TO THE WAKE COUNTY LINE**

To receive public comment on initial zoning Case P02-45 (Alexander Village at Brier Creek); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-45 out of SC(D)(County) and placing same in and establishing same as SC(D)(City).

Zoning Recommendation and Vote: Approval (7-0)  
Planning Department Recommendation: Approval

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Dick Hails, of the City/County Planning Department, briefed Council on the staff report noting the site acreage should be 100 instead of 154.

Mayor Bell opened the public hearing. No one spoke on this item and the Mayor declared the public hearing closed.

**MOTION** by Council Member Stith seconded by Council Member Edwards to receive public comment on initial zoning Case P02-45 (Alexander Village at Brier Creek); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-45 out of SC(D)(County) and placing same in and establishing same as SC(D)(City) was approved at 10:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: REZONING MATTER CASE P02-52 -FALLS LAKE CRITICAL AREA BOUNDARY – DURHAM COUNTY BOARD OF COUNTY COMMISSIONERS – NORTHEASTERN DURHAM IN THE VICINITY OF JEFFRIES ROAD AND GLENN ROAD NORTH OF I-85**

To receive public comment on Case P02-52 amending the location of the Critical Area Boundary and amending applicable watershed overlay districts; and

To adopt an ordinance amending the Durham Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking out of the Fall/Jordan Critical Area (F/J-A) and placing in the Falls/Jordan Protected Area (F/J-B) 67 parcels located in the general vicinity of Glenn Road and Packard Street, as further described by PIN reference in the attached staff report for Case P02-52.

Zoning Committee Recommendation and Vote: Approval (7-0)

Planning Department Recommendation: Approval

Dick Hails, of the City/County Planning Department, briefed Council on the staff report.

Mayor Bell opened the public hearing. No one spoke on this item and the Mayor declared the public hearing closed.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive public comment on Case P02-52 amending the location of the Critical Area Boundary and amending applicable watershed overlay districts; and

To adopt an ordinance amending the Durham Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking out of the Fall/Jordan Critical Area (F/J-A) and placing in the Falls/Jordan Protected Area (F/J-B) 67 parcels located in the general vicinity of Glenn Road and Packard Street, as further described by PIN reference in the

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attached staff report for Case P02-52 was approved at 10:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: STREET CLOSING - WALLTOWN ALLEYS (SC01-4)**

Dick Hails, of the City/County Planning Department, briefed Council on the staff report. He noted staff is requesting that the public hearing be continued to the January 21, 2003 City Council Meeting in order to receive input from the upcoming community meeting.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Brett Arnold, of 1302 Clarendon Street, expressed liability concerns regarding a fallen tree if alleys are turned over to property owners.

Waldo \_\_\_\_\_, of 1119 Clarendon Street, urged Council to have alleys cleaned before turning them over to property owners.

Dick Hails, of the City/County Planning Department, noted City departments will be attending the community meeting to address concerns raised by property owners.

Mayor Bell asked staff to take pictures of alleyways.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to continue public hearing on the Street Closing for Walltown Alleys to January 21, 2003 City Council Meeting without further advertising was approved at 10:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

**SUBJECT: STREET CLOSING - CARR STREET (SC02-9) - AMERICAN CAMPUS, LLC - DOWNTOWN DURHAM ALONG CARR STREET BETWEEN PETTIGREW STREET AND WILLARD STREET, ADJACENT TO THE AMERICAN CAMPUS PROJECT**

To hold a public hearing and receive public comment on the closing of Carr Street between Pettigrew Street and Willard Street or some portion thereof, and approximately 230.5 linear feet of Jackson Street west of Carr Street; and

To adopt an “order permanently closing approximately 1,490 linear feet of Carr Street and approximately 230 linear feet of Jackson Street.”

Dick Hails, of the City/County Planning Department, provided Council with a revised order and briefed Council on the staff report making comments about the proposed

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project, parking deck, utilities and easements. He noted the exact location of electrical and gas service to the project has not been worked out in detail. Also, he stated if the project does not proceed as planned, the applicant has agreed to re-convey the proposed right-of-way back to the City and noted staff recommends approval of street closing.

Mayor Bell opened the public hearing.

Attorney Jack Markham, representing University Ford, spoke in support of American Tobacco Campus and street closing. He outlined issues with the closing noting it will have an impact on customer access and visibility of University Ford. Also, Attorney Markham noted the applicant would be seeking an amendment to the sign ordinance and will be meeting with the Transportation Department and NCDOT regarding the clean up of undergrowth located on both sides of the expressway which will be a private expense.

Dick Hails, of the City/County Planning Department, informed Council that the linear feet (385) of Carr Street is incorrect in the subject.

The mayor declared the public hearing closed.

**MOTION** by Council Member Stith seconded by Mayor Pro Tempore Cheek to hold a public hearing and receive public comment on the closing of Carr Street between Pettigrew Street and Willard Street or some portion thereof, and approximately 230.5 linear feet of Jackson Street west of Carr Street; and

To adopt an “order permanently closing approximately 1,490 linear feet of Carr Street and approximately 230 linear feet of Jackson Street” was approved at 11:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

#### **Ordinance #12708**

**MOTION** by Council Member Stith seconded by Mayor Pro Tempore Cheek to excuse Council Member Edwards from the meeting was approved at 11:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Council Member Clement.

#### **[ITEM ADDED TO THE AGENDA]**

#### **SUBJECT: BARNES AVENUE – REQUEST FOR PROPOSAL**

To receive an updated report on the Barnes Avenue RFP.

Charlene Montford, Housing & Community Development Director, updated Council on the Barnes Avenue request for proposal. She noted the administration only received one

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response from Stephanie Benson Consulting Firm in Rochester, NY and received a fax from Ms. Benson notifying the administration that she would be withdrawing her proposal for consideration. She noted staff's recommendation would be to receive report and authorize staff to re-issue a RFP for project management for Barnes Avenue.

Mayor Bell spoke in opposition to staff's recommendation and requested that this item be referred to the December 9, 2002 Special City Council Meeting.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to refer this item to the December 9, 2002 Special City Council Meeting was approved at 11:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Members Clement and Edwards.

At this time during the meeting, Mayor Bell announced that monthly evaluations of the City Manager will be scheduled for the third Monday prior to the City Council Meeting at 5:30 p.m. beginning December 16, 2002.

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to go into a closed session to discuss a personnel matter pursuant to G.S. 143-318.11(a)(6) was approved at 11:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Members Clement and Edwards.

There being no further business to come before the City Council, the meeting was adjourned into closed session at 11:06 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk